

# Gresk & Singleton, LLP

Attorneys at Law

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August 17, 2006

U.S. Nuclear Regulatory Commission  
c/o Susan W. Brooks  
U.S. Attorney's Office  
10 West Market Street, Suite 2100  
Indianapolis, Indiana 46204

Re: Bankruptcy Case of WMH Physicians Hospital, LLC  
Case No. 04-15264-JKC-7A  
Adversary No. 06-50323

Dear Ms. Brooks,

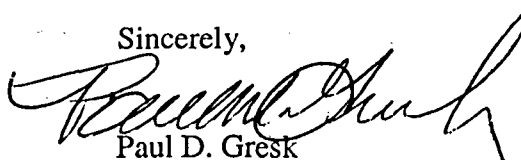
Enclosed you will find a copy of a filed Complaint and Summons that has been issued in this matter. The Chapter 7 trustee is seeking a judgment against the U.S. Nuclear Regulatory Commission for the purpose of recovering a preferential payment in the amount of \$4,600.00 pursuant to 11 U.S.C. 547.

Before seeking a trial on this matter I am requesting your review of the allegations of the filed complaint and thereafter, your response.

The Chapter 7 trustee has been provided with authority by the U.S. Bankruptcy Court to settle for 80% of the demand or \$3,680.00. If this offer of settlement is accepted, please make your payment payable to "Paul D. Gresk, Chapter 7 trustee".

Pursuant to the issued Summons an answer must be filed within 35 days. If you wish to discuss this matter with me please telephone my assistant, Tara Grubbs, at 317-237-7913 to schedule a conference call.

Sincerely,



Paul D. Gresk

cc: U.S. Nuclear Regulatory Commission  
Office of Public Affairs  
Attn: Civil Process Clerk  
Washington, D.C. 20555

enclosures.

Gateway Plaza, Suite 410 • 950 North Meridian Street • Indianapolis, IN 46204  
Tel. 317.237.7911 • Fax 317.237.7912

**United States Bankruptcy Court**  
**SOUTHERN DISTRICT OF INDIANA**

In re  
WMH Physicians Hospital, LLC

Bankruptcy Case No. 04-15264-JKC-7A

Debtor

Paul D. Gresk, as the  
Chapter 7 Trustee

Adversary Proceeding No. 06-50323

Plaintiff

vs.

US Nuclear Regulatory  
Commission

Defendant

ALL DOCUMENTS REGARDING THIS MATTER  
MUST BE IDENTIFIED BY BOTH ADVERSARY  
AND BANKRUPTCY CASE NUMBERS.

**SUMMONS IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall submit a motion or answer to the complaint within 35 days.

**ANSWER DUE: September 6, 2006**

Address of Clerk	U.S. Bankruptcy Clerk 116 U.S. Courthouse 46 East Ohio Street Indianapolis, IN 46204
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At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney	Paul D. Gresk Gresk & Singleton, LLP 950 North Meridian Street, Ste 410 Indianapolis, In 46204-3900
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If you make a motion, your time to answer is governed by Bankruptcy Rule 7012.

**IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

JOHN A. O'NEAL

Clerk of the Bankruptcy Court

By: \_\_\_\_\_

*Carol Davidson*  
Deputy Clerk

8/7/06

Date

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE:

WMH PHYSICIANS HOSPITAL, LLC.

CASE NO. 04-15264-JKC-7A

\_\_\_\_\_  
PAUL D. GRESK, AS THE  
CHAPTER 7 TRUSTEE

Plaintiff.

V.

ADVERSARY NO.

US NUCLEAR REGULATORY  
COMMISSION

Defendant.

**COMPLAINT**

Comes now Paul D. Gresk, the Chapter 7 trustee and plaintiff, and herein states:

1. This Court has jurisdiction in this proceeding pursuant to U.S.C. 1334, 157.
2. That the Debtor, WMH Physicians Hospital, LLC d/b/a Winona Health Services d/b/a Winona Memorial Hospital, herein filed for relief from its debts pursuant to Chapter 7 of the U.S. Bankruptcy Code on August 23, 2004. The case was converted to a Chapter 11 proceeding on September 8, 2004 and then re-converted to a Chapter 7 proceeding on December 1, 2004.
3. That the Plaintiff herein is the duly appointed Chapter 7 trustee of this proceeding.
4. That the Debtor and the Defendant maintained a business relationship that provided for the Defendant to provide product/services to the Debtor.
5. That the Defendant issued invoice number AM2378-04 on April 5, 2004 in the amount of \$4,600.00 for the purpose of collecting its indebtedness.
6. That the Debtor made actual payment of the above referenced invoice on August 12, 2004, check number 2865.

7. That the above described payment was made within ninety (90) days of the Debtor's bankruptcy filing, was for the payment of antecedent indebtedness, was made outside of the ordinary course of business, and was made while the Debtor was insolvent.
8. That the above referenced payment is a preferential payment pursuant to 11 U.S.C. 547.
9. That the Plaintiff requests that the Court render a judgment against the Defendant for the recovery of \$4,600.00.

WHEREFORE, Paul D. Gresk, the Chapter 7 trustee and plaintiff herein, seeks a judgment against the named Defendant for \$4,600.00 and for all other relief just and proper in the premises.

Respectfully submitted,

                  /S/ Paul D. Gresk  
Paul D. Gresk  
Chapter 7 Trustee-Plaintiff

Prepared by:

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